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**JUL 06 2005**

**OFFICE OF PETITIONS**

**DATE:** July 6, 2005

**FROM:** Brian P. Hopkins

**Direct Dial** 212 692-6803

**Page 1 of 2**

**To:**

NAME	COMPANY	BUSINESS #	FAX #
Office of Petitions	U.S. Patent and Trademark Office		571-273-0025

**MESSAGE:**

**Re: U.S. Patent Application Serial No. 09/997,693**  
**Filing Date: November 30, 2001**  
**Applicant(s): William P. Acker, et al.**  
**TC/A.U.: 1745**  
**Examiner: Cantelmo, Gregg**  
**Title: Fuel Cell Membrane and Fuel Cell System With Integrated Gas Separation**  
**Our Reference No. 21535-001**

**Dear Sirs:**

Attached please find the following documents:

- 1) Copy of Express Mail Transmittal dated July 6, 2005;
- 2) Copy of Communication Related to the Petition Under 37 C.F.R. § 1.313(c)(2) To Withdraw from Issue After Payment of Issue Fee;
- 3) Copy of Modified Form 1449/PTO filed via facsimile on July 6, 2005.

The above-listed documents are being filed via Express Mail Label No. EV 591028954US on July 6, 2005, as well as the references cited on the Modified Form 1449/PTO.

Applicants filed earlier today the following documents which are listed below to the

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Please call us at 212.935-3000, if you experience any problems.

**STATEMENT OF CONFIDENTIALITY**

THE INFORMATION CONTAINED IN THIS FAX IS INTENDED FOR THE EXCLUSIVE USE OF THE ADDRESSEE AND MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY FORM OR DISSEMINATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF THIS FAX WAS SENT IN ERROR, PLEASE IMMEDIATELY NOTIFY US BY PHONE.

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Page 2 of 2

**U.S. Patent Application Serial No. 09/997,693**

**Filing Date: November 30, 2001**

**Applicant(s): William P. Acker, et al.**

**TC/A.U.: 1745**

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**Title: Fuel Cell Membrane and Fuel Cell System With Integrated Gas Separation**

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JUL 06 2005

**OFFICE OF PETITIONS**

Office of Petitions, via facsimile at 571-273-0025 on July 6, 2005:

1. Petition Under 37 C.F.R. § 1.313(c)(2) to Withdraw From Issue After Payment of Issue Fee dated July 6, 2005 (1 pg.);
2. Request for Continued Examination (RCE) Transmittal dated July 6, 2005 (1 pg.);
3. Information Disclosure Statement dated July 6, 2005 (2 pgs.);
4. Modified Form 1449/PTO dated July 6, 2005 (1 pg.)

If you should have any questions regarding these documents, please call the undersigned directly at (212) 692-6803.

Thank you for your assistance with this matter.

Sincerely,  
Brian P. Hopkins

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NYC 309866v.1

Attorney Docket No.: **21535-001****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application Number : 09/997,693  
Applicant(s) : William P. Acker, et al.  
Filed : November 30, 2001  
TC/A.U. : 1745  
Examiner : Cantelmo, Gregg  
Customer No. : 35437  
For : **FUEL CELL MEMBRANE AND FUEL CELL SYSTEM WITH  
INTEGRATED GAS SEPARATION**

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Mail Stop **OFFICE OF PETITIONS**  
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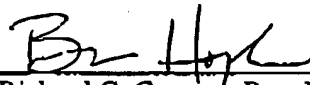
**EXPRESS MAIL TRANSMITTAL**Date of Deposit: July 6, 2005

I hereby certify that the documents and fee listed below are being deposited with the United States Patent and Trademark Office as Express Mail bearing Express Mail Label No. **EV 591028954US** under 37 C.F.R. §1.10 in an envelope with prepaid postage on the date indicated above and addressed to **Mail Stop: Office Of Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450:**

1. Communication Related to the Petition Under 37 C.F.R. § 1.313(c)(2) To Withdraw From Issue After Payment of Issue Fee [1 pg.];
2. Copy of Modified Form 1449/PTO filed on July 6, 2005 [1 pg.];
3. Copies of Cited References A1-A4 and B1-B3
4. Express Mail Transmittal [1 pg.]; and
5. Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned collect at (212) 935-3000, New York, New York. The Director is authorized to charge all fees, credit any overpayment or charge any deficiencies to Deposit Account No. 50-0311, Reference No. 21535-001, Customer No. 35437.

Dated: July 6, 2005

  
Richard G. Gervase, Reg. No. 46,725  
Brian P. Hopkins, Reg. No. 42,669  
Attorneys for Applicants  
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Express Mail Label No.: EV 591028954US  
Date of Deposit: July 6, 2005

Attorney Docket No.: 21535-001

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**APPLICANTS: William P. Acker, *et al.*

SERIAL NUMBER: 09/997,693

EXAMINER: Cantelmo, Gregg

FILING DATE: November 30, 2001

ART UNIT: 1745

FOR: FUEL CELL MEMBRANE AND FUEL CELL SYSTEM WITH  
INTEGRATED GAS SEPARATION**MAIL STOP OFFICE OF PETITIONS**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

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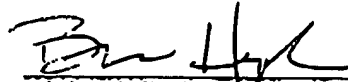
**OFFICE OF PETITIONS****COMMUNICATION RELATED TO THE PETITION UNDER 37 C.F.R. § 1.313(c)(2)  
TO WITHDRAW FROM ISSUE AFTER PAYMENT OF ISSUE FEE**

Provided herewith for filing in the above-identified patent application are the references cited on the PTO Form 1449 (copy enclosed) submitted to the Office of Petitions with the Information Disclosure Statement (IDS) via facsimile on July 6, 2005. The IDS was filed as a submission for a Request for Continued Examination (RCE) under 37 CFR 1.114, in addition to a Petition for Withdrawal From Issue (all filed via facsimile on July 6, 2005 to the Office of Petitions, 571-273-0025).

No new references have been added in the instant PTO Form 1449.

No fee(s) are believed to be due for filing of this Communication. However, if it is determined that additional fee(s) are properly assessable in this application, the Director is hereby authorized to charge any fees that may be due, or to credit any overpayment of fee(s), to Deposit Account No. 50-0311, Reference No. 21535-001, Customer No. 35437.

Respectfully submitted,



Richard G. Gervase, Reg. No. 46,725

Brian P. Hopkins, Reg. No. 42,669

MINTZ, LEVIN, COHN, FERRIS,

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Dated: July 6, 2005

NYC 331601v.1

VIA FACSIMILE 571-273-0025  
Date of Facsimile Transmission: July 6, 2005

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PTO/SB (12-97)

OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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Modified Form 1449/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)	Application Number	09/997,693
	Filing Date	November 30, 2001
	First Named Inventor	William P. Acker, et al.
	Group Art Unit	1745
	Examiner Name	Cantelmo, Gregg
	Attorney Docket Number	21535-001

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date if Appropriate
	A1	4,612,261	09/16/1986	Tsukui, et al.	429	13	08/23/1982
	A2	4,865,925	09/12/1989	Ludwig et al.	429	12	12/23/1988
	A3	5,082,472	01/21/1992	Mallouk, et al.	55	16	11/05/1990
	A4	6,130,175	10/10/2000	Rusch, et al.	442	77	05/21/1999

FOREIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No
	B1	EP 0 427 897 A1	Texaco Development Corporation	22.05.91	x
	B2	JP 2000-149965	Teijin Ltd.	30.05.00	x
	B3	WO 97 41168	W.L. Gore & Associates, Inc.	06.11.97	x

OTHER PRIOR ART - NON-PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.

\* a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. \_\_\_\_\_, filed \_\_\_\_\_, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered.

Include copy of this form with next communication to Applicants.